

- 1) The defendant, with the advice of his attorney, has consented orally and in writing to enter this guilty plea before a Magistrate Judge subject to final approval and sentencing by the presiding District Judge;
- 2) The defendant fully understands the nature of the charges and penalties;
- 3) The defendant fully understands the terms of the plea agreement;
- 4) The defendant understands his constitutional and statutory rights and wishes to waive these rights, including the right to a trial by jury and the right to appear before a United States District Judge;

- 5) The defendant's plea is made freely and voluntarily;
- 6) The defendant is competent to enter this plea of guilty;
- 7) There is a factual basis for this plea; and
- 8) The ends of justice will be served by acceptance of the defendant's plea of guilty.

**Recommendation**

Accordingly, it is hereby RECOMMENDED that the District Judge accept the plea of guilty and enter a final judgment of guilty against the defendant. It is further RECOMMENDED that the plea agreement be approved conditioned upon a review of the presentence report.

A party's failure to file objections to the findings, conclusions, and recommendations contained in this Report within fourteen days after service with a copy thereof shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

**So ORDERED and SIGNED this 5th day of February, 2013.**

  
\_\_\_\_\_  
JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE